

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDRA BUDANSINGH,

Plaintiff,

-v-

BETH ISRAEL MEDICAL CENTER, *et ano*,

Defendants.

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No. 08 Civ. 3356 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court issued its initial Case Management Plan and Scheduling Order on September 26, 2008, which provided that all discovery was to be completed no later than February 9, 2009. (Doc. No. 12.) On October 10, 2008, the Court issued a Revised Case Management Plan and Scheduling Order, which provided that all discovery was to be completed no later than March 2, 2009. (Doc. No. 15.) On December 10, 2008, the Court denied Plaintiff's request to extend the dates for discovery. (Doc. No. 18.)

On January 29, 2009, Plaintiff's first counsel, Robert N. Felix, Esq. ("Felix"), moved to withdraw as attorney for Plaintiff. (Doc. No. 20). By Order dated February 6, 2009, the Court granted the motion of Felix to withdraw, provided Plaintiff with one month to obtain new counsel, and ordered that the Parties submit a Second Revised Case Management Plan no later than March 13, 2009. (Doc. No. 24.) On March 6, 2009, new counsel for Plaintiff, Sema Felix Ngati, Esq. ("Ngati"), filed a notice of appearance. (Doc. No. 27.) On March 13, 2009, the Court issued a Second Revised Case Management Plan, which provided that all discovery was to be completed no

later than April 13, 2009, and scheduled a pre-motion conference for May 13, 2009. (Doc. No. 28.)


Defendants thereafter filed timely pre-motion letters in regard to their contemplated motions for summary judgment. Ngati never answered these letters, and failed to appear at the May 13, 2009 pre-motion conference. (Doc. No. 30.) The Court subsequently issued an order to show cause as to why Ngati should not be sanctioned, and rescheduled the pre-motion conference for June 3, 2009. (Doc. Nos. 30, 33.) After Ngati again failed to appear at the June 3, 2009 conference, the Court, by Order dated June 3, 2009, issued sanctions and ordered Plaintiff to show cause as to why this matter should not be dismissed for failure to prosecute under Rule 41 of the Federal Rules of Civil Procedure. (Doc. No. 34.) Plaintiff submitted a timely response, which requested “at least four weeks to return to the U.S. and obtain further representation and proceed *pro se*.” On June 16, 2009, the Court docketed Plaintiff’s response and ordered Defendants to respond to Plaintiff’s submission no later than June 22, 2009. (Doc Nos. 35, 36.) The Court is now in receipt of Defendants’ jointly-submitted letter, dated June 22, 2009, submitted in response to this Court’s June 16, 2009 order.

Although the Court is mindful of the considerable delay caused by the facts set forth above, that delay is not entirely attributable to Plaintiff’s conduct. Accordingly, the Court will grant Plaintiff’s request for a four-week adjournment. Plaintiff should take note that this is the final adjournment that the Court will issue in this case. Plaintiff has initiated this lawsuit, and therefore bears the burden of prosecuting her own case, whether or not she is able to obtain representation. However, the Court will grant Plaintiff this one final adjournment to enable her (1) to return to the United States, (2) to attempt to obtain counsel, and (3) to comply with all remaining discovery obligations.

Accordingly, the Court hereby ORDERS that Plaintiff, whether or not she is able to obtain new counsel, (1) comply with any remaining discovery obligations, which includes responding to Defendant Beth Israel Medical Center's Second Request for the Production of Documents no later than Wednesday, July 22, 2009, and (2) submit the required pre-motion letters to the Court no later than Wednesday, July 22, 2009. The Court will thereafter hold a final pre-motion conference on Wednesday, August 19, 2009 at 9:00 a.m. in Courtroom 21C, United States District Court, 500 Pearl Street, New York, New York. Failure to abide by any of these deadlines, or failure to appear at the August 19, 2009 conference, will result in dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SO ORDERED

DATED: June 22, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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